

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BOBBIE WELDON,

Plaintiff,

CASE NO. 07-13849
HON. LAWRENCE P. ZATKOFF

v.

CITY OF PONTIAC, C. TUCKER (#487),
TONYA WHITE (#689), WOODMORE,
GLAZER, MISTRETTA, ELINSKI, and
K. HAYES, in their individual and official
capacities,

Defendants.

/

ORDER DENYING DEFENDANTS' MOTION FOR RECONSIDERATION

On December 12, 2007, the Court entered an Order extending Plaintiff's summons and permitting Plaintiff to effectuate service on Defendants Woodmore and White. Defendants filed a motion for the Court to reconsider its decision in that Order. Defendants' motion is denied.

To succeed on their motion, Defendants must demonstrate a "palpable defect by which the court and the parties have been misled" and that "correcting the defect will result in a different disposition of the case." E.D. Mich. LR 7.1(g)(3). Defendants assert that the Court erred because Defendant Woodmore is no longer employed by the Pontiac Police Department. The Court does not find that this is a palpable defect that merits a different disposition on the issue of alternate service. The Court's Order merely made it permissible for Plaintiff to serve Defendant Woodmore through alternate means, and did not foreclose the possibility of serving him through traditional means. Indeed, Plaintiff should do so if possible as a matter of sound practice to avoid later attacks on the propriety of service. Thus, Defendants' motion is DENIED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: December 19, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on December 19, 2007.

s/Marie E. Verlinde

Case Manager

(810) 984-3290